

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAILCAR MANAGEMENT, LLC,

Plaintiff,

v.

CEDAR AI, INC.; MARIO PONTICELLO;
DARIL VILHENA; and YI CHEN,

Defendants,

v.

WABTEC CORPORATION,

Third-Party Defendant.

C21-0437 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff Railcar Management, LLC's motion to compel discovery, docket no. 218, is GRANTED in part and DENIED in part, as follows:

(a) Individual defendants Mario Ponticello and Daril Vilhena are hereby DIRECTED to produce, within thirty (30) days of the date of this Minute Order, all communications sent from and/or received by their personal email accounts or personal social media accounts (*e.g.*, LinkedIn, Facebook/Meta, etc.), during the period April 1, 2018, to July 28, 2021,¹ relating to the recruitment and/or hiring of former employees of Railcar Management, LLC and/or Wabtec Corporation.

¹ This action commenced on April 1, 2021. *See* Compl. (docket no. 1). On July 28, 2021, plaintiff filed an Amended Complaint, docket no. 22, which for the first time asserted a claim for tortious interference with business relationships. The basis for such claim cannot post-date this pleading and cannot predate the initiation of this litigation by more than three (3) years, which is the limitations period for the tort at issue.

1 (b) Individual defendants Yi Chen, Mario Ponticello, and Daril Vilhena
2 are DIRECTED to provide to plaintiff's counsel, within thirty (30) days of the date
3 of this Minute Order, either (i) any and all copies of any trade secrets belonging to
4 plaintiff that are stored in such defendant's personal files (physical or electronic)
or on such defendant's personal devices, or (ii) a sworn declaration indicating that,
after a diligent search and thorough review of such defendant's personal files and
devices, no trade secrets belonging to plaintiff were located.

5 (c) Plaintiff's motion to compel is otherwise DENIED. Judgment on the
6 pleadings has been granted in favor of the individual defendants on plaintiff's
7 claims under the Counterfeit Access Device and Computer Fraud and Abuse Act
8 of 1984, the Stored Wire and Electronic Communications and Transactional
9 Records Access provisions of the Electronic Communications Privacy Act of 1986
(also known as the Stored Communications Act), and Washington's Consumer
Protection Act, as well as plaintiff's claims for trespass-to-chattels and negligence,
10 see Order (docket no. 170), and plaintiff may not conduct discovery concerning
11 the individual defendants' personal files, accounts, and devices with regard to
these claims. The Court declines to award attorney's fees or costs to either side.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 21st day of July, 2023.

13 Ravi Subramanian
14 Clerk

15 s/Laurie Cuaresma
16 Deputy Clerk